

### **REMARKS**

This paper is filed in response to the Final Office Action, mailed April 30, 2007. A response to the Final Office Action is due on July 30, 2007. Applicant is filing this response within this response period; therefore, this response is to be considered timely. Filed together with this response and RCE is an Information Disclosure Statement. If any additional fee is due, the Commissioner is authorized to charge **Deposit Account No. 19-0365**.

### **Status of Claims**

Claims 1-23, 30-31, and new claims 58-92 are pending in the application. Claims 1, 9, 12, 13, and 14 have been amended by this response, and new claim 92 has been added, for the reasons stated below. Claims 24-29 and 32-57 were canceled in response to the restriction requirement. The subject matter of claims 24-29 and 32-57 is hereby reintroduced as new claims 58-91. Support for the amendments and for claims 58-92 may be found in the application as originally filed. No new subject matter has been added with the filing of this amendment.

Claims 1, 3-9, and 11 were rejected in the Final Office Action. Claims 2, 10, 12-18, 21-23, 30, and 31 were objected to as depending upon a rejected base claim but otherwise deemed allowable by the Examiner. Claims 19-20, and 58-91 (formerly claims 24-29 and 32-57) were withdrawn from consideration as being drawn to non-elected subject matter.

### **Supplemental Information Disclosure Statement**

Before turning to the merits, Applicants wish to bring to the Examiner's attention the documents cited in the Supplemental Information Disclosure Statement (IDS), filed herewith. These documents were cited during the prosecution of a counterpart to this application in China. An English language translation of the Chinese Office Action in which these documents were cited is also included. Applicants invite the Examiner to consider these documents in light of the translated Chinese Office Action, amendments, and remarks presented herein.

### **Rejection under 35 U.S.C. §102(b)**

Claims 1, 3-9, 11, 23-24, and 31 were rejected under §102(b) as being anticipated by Truce et al., Journal of the American Chemical Society, Vol. 83, pages 4641-3, 1961. (Reference "U" on Form PTO 892.) The rejection is based on Truce's disclosure of the compound, cis-1,2 bis-(p-tolylsulfonyl)-cyclohexane. Applicants respectfully traverse the rejection.

Applicants respectfully request the Examiner to rescind the rejection of claims 23-24 and 31 because no prima facie case of anticipation was made with respect to these claims. Claims 23 and 31 are drawn, respectively, to pharmaceutical compositions and processes that depend from claim 16, which claim the Examiner has properly deemed free of Truce et al. Claim 24 was withdrawn from consideration. Accordingly, the Examiner is requested to rescind the rejection as to these claims.

Regarding claims 1, 3-9 and 11, Applicants respectfully request withdrawal of the rejection in response to the Amendment to claims 1, 9, 12, 13, and 14. The amendment excludes the Truce et al. compound by the proviso to Formula I (and to claims which read thereon) that when M<sup>1</sup> is cyclohexane, then p is 1 to 4 and each Y is independently selected from the group consisting of alkoxy, alkyl, cycloalkyl, cycloalkenyl, heterocyclyl, heterocycloalkenyl, halogen, heteroalkyl, heteroaryl, -O-cycloalkyl, -CF<sub>3</sub>, -CN, -C(O)OR<sup>2</sup>, -C(O)R<sup>2</sup>, -N(R<sup>2</sup>)<sub>2</sub>, -OCF<sub>3</sub>, -OCF<sub>2</sub>H and -OH, or, when p is 2, the Y moieties can form a cyclic ring of 3 to 7 ring atoms of which 1 to 2 may be a heteroatom. Applicants respectfully submit that, by this amendment, the instant claims are free of Truce et al. and that the rejection should be withdrawn. New independent claim 92 presents a genus that is also free of Truce et al.

### **Additional Claim Amendments**

Claims 1, 9 and 12-14 have been amended for the reasons stated above, and also to exclude subject matter which was recently brought to Applicants' attention during the prosecution of a counterpart to the instant application in China. New independent claim 92 is also free of the prior art.

That subject matter, together with an English language translation of the Chinese Office Action explaining how the references were applied, is provided in the Supplemental Information Disclosure Statement filed herewith.

**Request for Rejoinder and Allowance**

The Examiner restricted the originally presented claims into Groups I-VI in the Office Action dated May 4, 2006. Claims 19-20, and 58-91 (formerly claims 24-29 and 32-57) were withdrawn from consideration as being drawn to non-elected subject matter. Applicants respectfully point out that the broadest genus defined by Formula I, claim 1 is free of the prior art as amended and that each of the pending claims depends from or otherwise includes the limitations of this claim. As such, Applicants respectfully submit that all formerly withdrawn claims are ripe for rejoinder. Moreover, Applicants respectfully submit that claims 1-23, 30-31, and 58-92 are free of the prior art and in condition for allowance. Early and favorable indication of the same is earnestly solicited.

The Examiner is invited to contact the undersigned if she believes that such communication would further prosecution.

Respectfully submitted,



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